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19 VPS, LLC (dba VIRTUAL PHOTO STORE, LLC)

20
21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 OAKLAND DIVISION

24 SMUGMUG, INC., }
25 Plaintiff, }
26 vs. }
27 VIRTUAL PHOTO STORE, LLC (dba }
28 VPS, LLC)
29 Defendant. }
30 _____ }
31
32 Case No. 09-CV-02255 CW
33 District Judge Claudia Wilken
34 **STIPULATED REQUEST FOR
35 ORDER CHANGING TIME**

36 Plaintiff Smugmug, Inc. ("Smugmug") and Defendant VPS, LLC (d/b/a Virtual
37 Photo Store, LLC ("VPS") hereby submit the following stipulated request for an
38 order changing time under Local Rule L.R. 6-2, requesting that the Court reschedule
39 the deadlines set forth below.

40 1. On June 1, 2009, this Court entered its initial Case Management and
41 Scheduling Order setting a case management conference for September 29, 2009.

42 **Stipulated Request for Order Changing Time**
43 **Case No. 09-cv-02255 CW**

1 That order further required the submission of a joint Case Management Statement on
2 September 22, 2009.

3 2. On June 11, 2009, Defendant VPS timely filed its Motion to Dismiss
4 based upon an alleged lack of personal jurisdiction.

5 3. In orders dated August 13, 2009 (Dkt. No. 34) and July 16, 2009 (Dkt.
6 No. 28), as well as oral orders issued from the bench during a hearing held July 16,
7 2009, the Court granted Smugmug's motion for certain jurisdictional discovery. The
8 Court directed that Plaintiff Smugmug file a further opposition brief relating to VPS's
9 motion on or before August 27, 2009. The Court directed VPS to file a response
10 thereto on or before September 3, 2009.

11 4. Pursuant to the Court's order providing for the service of jurisdictional
12 discovery on July 30, 2009 and the service of VPS's responses on August 13, 2009,
13 Smugmug served its interrogatories and document requests on July 30, 2009 and VPS
14 served written responses to these requests and produced certain documents on August
15 13, 2009.

16 5. VPS believes that it has certain confidentiality obligations to third parties
17 who are parties to discoverable documents, and those confidentiality obligations have
18 delayed VPS's ability to produce discoverable documents to Smugmug by August 13,
19 2009. VPS believes it can complete its production of documents to Smugmug by
20 September 4, 2009.

21 6. Due to the timing of VPS's production of documents, Smugmug has
22 requested, and VPS has agreed to permit, additional time to prepare its supplemental
23 opposition to the VPS motion to dismiss.

1 7. Accordingly, the parties request that the following case deadlines be
 2 rescheduled by the Court, as indicated below:
 3

4 Event	5 Current Deadline	6 Revised Deadline
7 SmugMug's Supplemental Opposition Brief	8 August 27, 2009	9 September 14, 2009
10 VPS's Supplemental Reply Brief	11 September 3, 2009	12 September 21, 2009
13 Case Management Statement	14 September 22, 2009	15 7 days before Case Management Conference
16 Case Management Conference	17 September 29, 2009	18 on or after October 20, 2009

19 Date: August 25, 2009

20 Respectfully submitted,

21 /s/ Jeffrey L. Fillerup

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29 Counsel for Defendant
**VPS, LLC (dba VIRTUAL PHOTO
STORE, LLC)**

1 PURSUANT TO STIPULATION, THE COURT ORDERS THE
2 FOLLOWING REVISED SCHEDULE:
3

Event	Revised Deadline
SmugMug's Supplemental Opposition Brief	September 14, 2009
VPS's Supplemental Reply Brief	September 21, 2009
Case Management Statement	7 days before Case Management Conference
Case Management Conference	October 20, 2009 at 2:00 p.m.

12 IT IS SO ORDERED.
13

14 8/27

15 Dated: _____, 2009

16 _____
17 District Judge Claudia Wilken

Claudia Wilken